

U. S. PTO Customer No. 25280

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REMARKS

Claims 1-68 are present in the application. Claims 2, 10, 23, 26, 34, 38-41, 53, 57 and 59-68 have been canceled without prejudice. Claims 1, 3, 9, 11, 15, 24, 25, 27-30, 35-37, 46-52, 54-56 and 58 have been amended. No claims have been added. Thus claims 1, 3-9, 11-22, 24, 25, 27-33, 35-37, 42-52, 54-56 and 58 remain subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

RESTRICTION REQUIREMENT:

Applicants at this time confirm the prior provisional election to prosecute the claims of Group I (claims 1-58.) In order to progress prosecution, claims 59-68 have been canceled.

DOUBLE PATENTING:

Claims 53 and 57 were objected to in the Office Action as being duplicates of claims 52 and 56 respectively. Each of the claims objected to on grounds of double patenting has been canceled. Such cancellation is believed to obviate any continued basis for objection.

FORMAL REJECTIONS:

Claims 1-58 were rejected under 35 U.S.C. 112 second paragraph. In particular, the Office Action indicates that the terms "low face weight" and "light weight" in claim 1 (from which claims 2-58 depend) are relative terms which render the claim indefinite. Pursuant to the recommendation in the Office Action, the features of claims 2 and 10 have been added to independent claim 1 to define the relative terms.

Claim 15 stands further rejected as being indefinite due to the occurrence of the term "Prime Urethane." Claim 15 has been amended to remove this term.

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Claims 23, 35 and 37-39 stand further rejected as being indefinite due to the relativeness of various claim limitations. Each of these claims has either been canceled or amended so as to address the outstanding formal rejection.

Claim 26 stands further rejected as being indefinite on grounds that it is unclear what performance characteristics would rate the flooring for heavy commercial use. This claim has been canceled thereby obviating any continued rejection.

Claim 34 stands further rejected as being indefinite for use of the phrase " wherein the low face weight carpet is aesthetically pleasing." This claim has been canceled thereby obviating any continued rejection.

Claims 37 and 38 stand further rejected as being indefinite due to a lack of antecedent basis for the term "tiles." The amendments to independent claim 1 and to claim 37 are believed to address this rejection. Claim 38 has been canceled thereby obviating any continued rejection.

Claim 39 stands further rejected as being indefinite for use of the phrase "short pile." This claim has been canceled thereby obviating any continued rejection.

Claims 40 and 41 stand further rejected as being indefinite as being omnibus type claims lacking sufficient clarity to permit examination. These claims have been canceled thereby obviating any continued rejection.

Claims 47, 48 and 50 stand further rejected as being indefinite for use of the term "thin cushion layer." These claims have been amended in conjunction with independent claim 1 in a manner which is believed to render such claims definite.

Claims 47-58 stand further rejected as being indefinite on grounds that it is unclear whether or not the term "low weight primary carpet" refers to the "low face weight primary carpet" of independent claim 1. Each of these claims has been canceled or amended in a manner which is believed to render such claims definite.

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In light of the cosmetic amendments to the claims as outlined above, it is respectfully submitted that all outstanding rejections under 35 U.S.C. 112 second paragraph have been addressed and remedied. Accordingly, reconsideration and withdrawal of all such rejections is requested at this time.

ART REJECTIONS:

Continued rejection of claim 1 in its amended form (or any claim depending therefrom) is respectfully traversed and reconsideration of all outstanding art rejections is requested at this time.

In order to support an anticipation or obviousness rejection, the prior art must teach or suggest all limitations of the claim. Claim 1 has been rewritten to read as follows:

A low weight cushion backed flooring selected from the group consisting of carpet and carpet tile, comprising a low face weight primary carpet having a face weight of less than or equal to about 20 oz/yd² and a light weight cushion having a polymer weight of less than about 15 oz/yd² attached to the back of the primary carpet.

Thus, the base independent claim now incorporates the features of claims 2 and 10 as originally filed.

Applicants point out that while Porter et al. does disclose doctoring a polyurethane forming composition across a nylon pile weighing 14 oz/yd², the level of polymer application using such a carpet was in all cases substantially higher than the limit of about 15 oz/yd² as is presently claimed. More specifically, based on the information in Table I of Porter et al. (Page 19, line 5; Page 21, line 5; Page 23, line 5; Page 25, line 5; Page 27, line 5; Page 29, line 5) it appears that in all instances the coating weight was in excess of 40 oz/yd² which is more than twice the limit claimed.

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It is well established that a reference must be considered for everything it teaches including teachings which would lead away from the claimed invention. In the present instance, it is respectfully submitted that the fact that Porter et al. provides numerous examples of coated carpet using a relatively light face weight carpet but with a coating weight in excess of 40 oz/yd² reflects the prior thinking that heavy coating weights were needed when using lighter weight face fabrics. In order to reach the claimed invention, the artisan would have to form a carpet construction using less than half the amount of polymer used in any of Porter's examples.

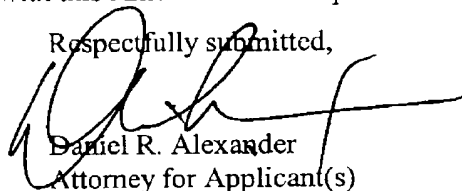
CONCLUSION:

Applicants respectfully request that all remaining claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

A three month Extension of Time accompanies this amendment. Please charge any fees or credit any overpayment in connection with this Amendment to Deposit Account 040500.

March 24, 2003

Respectfully submitted,



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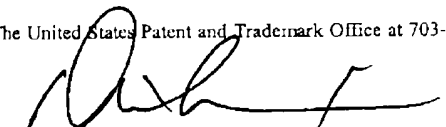
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to The United States Patent and Trademark Office at 703-872-9310 on March 24, 2003.



Daniel R. Alexander
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